

RESOLUTION NO. A-_____

USE PERMIT NO. 130

1 WHEREAS, Pioneer Woods, L.L.C. has submitted an application in accordance
2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 130 for
3 authority to develop 142,000 sq. ft. of commercial/retail/restaurant space on property generally
4 located at the northeast corner of 70th Street and Pioneers Boulevard, and legally described to
5 wit:

6 Lot 38 I.T. and a portion of Lot 51 I.T., all located in the Southwest
7 Quarter of Section 3, Township 9 North, Range 7 East of the 6th
8 P.M., Lancaster County, Nebraska, and more particularly
9 described as follows:

10 Commencing at the southwest corner of said Lot 38 I.T., said
11 point being the true point of beginning; thence along a curve in a
12 counterclockwise direction having a radius of 113.00 feet, arc
13 length of 35.24 feet, delta angle of 17 degrees 52 minutes 07
14 seconds, an assumed chord bearing of north 09 degrees 07
15 minutes 33 seconds west, and a chord length of 35.10 feet to a
16 point of tangency; thence north 00 degrees 11 minutes 30
17 seconds west along the west line of said Lot 38 I.T., a distance of
18 255.40 feet to the northwest corner of said Lot 38 I.T.; thence
19 south 89 degrees 35 minutes 10 seconds east along the north line
20 of said Lot 38 I.T., a distance of 8.49 feet to the southwest corner
21 of said Lot 51 I.T.; thence north 00 degrees 13 minutes 44
22 seconds east along the west line of said Lot 51 I.T., a distance of
23 848.75 feet to a point; thence north 90 degrees 00 minutes 00
24 seconds east, a distance of 267.32 feet to a point of curvature;
25 thence along a curve in a clockwise direction having a radius of
26 315.50 feet, arc length of 117.41 feet, delta angle of 21 degrees
27 19 minutes 17 seconds, a chord bearing of south 79 degrees 20
28 minutes 21 seconds east, and a chord length of 116.73 feet to a
29 point of tangency; thence south 68 degrees 40 minutes 43
30 seconds east, a distance of 25.32 feet to a point of curvature;
31 thence along a curve in a clockwise direction having a radius of
32 282.00 feet, arc length of 108.74 feet, delta angle of 22 degrees
33 05 minutes 35 seconds, a chord bearing of south 57 degrees 37
34 minutes 55 seconds east, and a chord length of 108.07 feet to a

1 point of tangency; thence south 46 degrees 35 minutes 08
2 seconds east, a distance of 159.79 feet to a point of curvature;
3 thence along a curve in a clockwise direction, having a radius of
4 257.00 feet, arc length of 160.73 feet, delta angle of 35 degrees
5 50 minutes 01 seconds, a chord bearing of south 28 degrees 40
6 minutes 08 seconds east, and a chord length of 158.12 feet to a
7 point of reverse curvature; thence along a curve in a
8 counterclockwise direction having a radius of 343.00 feet, arc
9 length of 179.45 feet, delta angle of 29 degrees 58 minutes 33
10 seconds, a chord bearing of south 25 degrees 44 minutes 24
11 seconds east, and a chord length of 177.41 feet to a point of
12 reverse curvature; thence along a curve in a clockwise direction
13 having a radius of 432.00 feet, arc length of 307.08 feet, delta
14 angle of 40 degrees 43 minutes 40 seconds, a chord bearing of
15 south 20 degrees 21 minutes 50 seconds east, and a chord length
16 of 300.66 feet to a point of tangency; thence south 00 degrees 00
17 minutes 00 seconds west, a distance of 76.17 feet to a point;
18 thence south 89 degrees 35 minutes 10 seconds east, a distance
19 of 13.21 feet to a point; thence south 00 degrees 24 minutes 50
20 seconds west, a distance of 31.98 feet to a point of curvature;
21 thence along a curve in a clockwise direction having a radius of
22 645.00 feet, arc length of 131.90 feet, delta angle of 11 degrees
23 43 minutes 00 seconds, a chord bearing of south 06 degrees 16
24 minutes 20 seconds west, and a chord length of 131.67 feet to a
25 point of reverse curvature; thence along a curve in a
26 counterclockwise direction having a radius of 555.00 feet, arc
27 length of 113.49 feet, delta angle of 11 degrees 43 minutes 00
28 seconds, a chord bearing of south 06 degrees 16 minutes 20
29 seconds west, and a chord length of 113.30 feet to a point of
30 tangency; thence south 00 degrees 24 minutes 50 seconds west,
31 a distance of 14.33 feet to a point of intersection with the south
32 line of said Lot 51 I.T.; thence north 89 degrees 35 minutes 10
33 seconds west along the south line of said Lots 51 I.T. and 38 I.T.,
34 a distance of 862.10 feet to the true point of beginning, said tract
35 contains a calculated area of 19.79 acres, or 861,938.63 square
36 feet more or less;

37 WHEREAS, the real property adjacent to the area included within the site plan
38 for this commercial development will not be adversely affected; and

39 WHEREAS, said site plan together with the terms and conditions hereinafter set
40 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
41 promote the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of Pioneer Woods, L.L.C., hereinafter referred to as
4 "Permittee", to develop 142,000 sq. ft. of commercial/retail/restaurant space on the property
5 legally described above be and the same is hereby granted under the provisions of Section
6 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said
7 commercial space be in strict compliance with said application, the site plan, and the following
8 additional express terms, conditions, and requirements:

- 9 1. This permit approves 142,000 square feet of floor area.
- 10 2. Before receiving building permits:
 - 11 a. The Permittee must submit a revised and reproducible final plan
 - 12 and five copies to the Planning Department.
 - 13 b. The construction plans must conform to the approved plans.
 - 14 c. Final plats within the area described above must be approved by
 - 15 the City.
- 16 3. Before occupying the buildings, all development and construction must
- 17 be completed in conformance with the approved plans.
- 18 4. All privately-owned improvements must be permanently maintained by
- 19 the Permittee or an appropriately established property owners association approved by the City
- 20 Attorney.
- 21 5. The site plan approved by this permit shall be the basis for all
- 22 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
- 23 elements, and similar matters.

1 6. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittee, its successors and assigns. The building official
3 shall report violations to the City Council which may revoke this use permit or take such other
4 action as may be necessary to gain compliance.

5 7. The Permittee shall sign and return the City's letter of acceptance to the
6 City Clerk within 30 days following approval of this use permit, provided, however, said 30-day
7 period may be extended up to six months by administrative amendment. The City Clerk shall
8 file a copy of the resolution approving this use permit and the letter of acceptance with the
9 Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor